

Order

Michigan Supreme Court
Lansing, Michigan

February 2, 2016

Robert P. Young, Jr.,
Chief Justice

151965 & (13)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

JUDITH KILLMER and ROBERT KILLMER,
Plaintiffs-Appellees/
Cross-Appellants,

v

SC: 151965
COA: 326304
Saginaw CC: 14-023374-NH

DONALD J. SABOURIN, DDS, PLLC and
JOEL HAYDEN, DDS,
Defendants-Appellants/
Cross-Appellees.

On order of the Court, the application for leave to appeal the June 30, 2015 order of the Court of Appeals and the application for leave to appeal as cross-appellants are considered. Pursuant to MCR 7.305(H)(1), in lieu of granting the application for leave to appeal, we VACATE the order of the Court of Appeals and we REMAND this case to that court for reconsideration of the issues raised by the plaintiffs on the original record or, if filed, for consideration of a motion to expand the record. The panel erred in allowing the defendants to expand the record without first having moved to do so. MCR 7.210(A)(1). The application for leave to appeal as cross-appellants is DENIED, because we are not persuaded that the questions presented should now be reviewed by this Court.

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 2, 2016


Clerk